

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**IN RE: AVANDIA MARKETING, SALES  
PRACTICES AND PRODUCTS LIABILITY**

**MDL Docket No. 1871  
2:07-md-01871 (CMR)**

**This Document Relates to All Actions**

**APPLICATION OF MICHAEL J. MILLER AND THE MILLER FIRM, LLC  
FOR APPOINTMENT TO THE PLAINTIFFS' STEERING COMMITTEE  
PURSUANT TO CASE MANAGEMENT ORDER NO. 1**

Michael J. Miller of The Miller Firm, LLC respectfully files this application for appointment to the Plaintiffs' Steering Committee of the Avandia Marketing, Sales Practices and Products Liability Litigation, MDL Docket No. 1871. Michael J. Miller stands ready to assume a leadership role in the Avandia litigation. The Miller Firm, LLC is a twelve lawyer firm that specializes in pharmaceutical litigation with full-time, well staffed offices and licensed attorneys in Philadelphia, Pennsylvania, and Orange, Virginia. The Miller Firm currently represents 1,400 individuals who have ingested Avandia and sustained myocardial infarction, severe congestive heart failure, sudden cardiac death, or stroke.

The Miller Firm currently has 85 cases filed in various jurisdictions around the country. The firm currently has an Avandia case filed in State Court in New Jersey; five (5) cases filed in State Court in Philadelphia, Pennsylvania; three (3) cases representing six (6) clients in State Court in California; and forty-three (43) clients filed directly into the MDL.

Michael J. Miller has taken a very active role in the Avandia litigation working with all Plaintiffs' counsel in the best interest of all of the clients. Several members of The Miller Firm met at Sheller Law Offices with Stephen Sheller and Daniel Becnel (via phone) and others on November 19, 2007, to work on issues concerning the Avandia litigation. Mr. Miller met and conferred with Bryan Aylstock, Vance Andrus, Thomas Mellon and others on February 11, 2008, in Philadelphia at which time the informal plaintiffs' litigation group assembled, discussed various pretrial issues, and designated initial committee assignments for efficiently handling essential pretrial tasks. Since that meeting, Mr. Miller has had numerous phone conferences and email exchanges with

many other members of the plaintiffs' litigation group. Mr. Miller has actively participated in formulating a discovery plan, and creating Plaintiff and Defendant Fact Sheets for use throughout the Avandia litigation.

Mr. Miller and his firm, in conjunction with other firms, has already drafted and submitted to counsel for GlaxoSmithKline a Case Management Order for the Pennsylvania state litigation in the Philadelphia Court of Common Pleas. Mr. Miller is meeting with members the various groups of attorneys listed above and Pepper Hamilton on March 24, 2008, to discuss further issues which this Court has Ordered to be resolved if possible prior to the Court's initial scheduling conference on April 8, 2008.

The Miller Firm's success in the mass tort field is well documented. The Miller Firm, with Michael J. Miller as lead counsel, represented over 5,000 FenPhen victims to a successful resolution. During that process, Michael J. Miller was lead counsel in selecting seven (7) juries and beginning seven (7) jury trials. He successfully obtained substantial verdicts for three (3) different FenPhen victims in the State Court in Philadelphia

The Miller Firm has proven its ability to work cooperatively not only with all defense drug litigation counsel, but specifically with the defense firm for GlaxoSmithKline, Pepper Hamilton. The Miller Firm was able to resolve over 900 cases against a major pharmaceutical company represented by Pepper Hamilton in 2007. The Miller Firm and Pepper Hamilton litigated the preemption and *Daubert* issues before the Honorable Jack Weinstein in a professional manner and then resolved the claims.

Mr. Miller was appointed to the Plaintiff's Steering Committee in the Zyprexa litigation before The Honorable Jack Weinstein, MDL No. 1596 and in the Viagra litigation before The Honorable Paul Magnuson, MDL No. 1657. Mr. Miller was chosen as Special Assistant Attorney General for the State of Montana concerning litigation against Eli Lilly for Zyprexa and for the Montana Vioxx litigation.

Mr. Miller has been a national speaker and conference leader for Lexis-Nexis, Mealey's, the American Association of Justice (formerly known as ATLA), and various state trial lawyers associations, including but not limited to, Mississippi, Arkansas and Virginia and was on the Board of Governors for the Virginia Trial Lawyers Association.

Mr. Miller is licensed to practice law in the Commonwealth of Pennsylvania, Washington, DC, the State of Maryland, and the Commonwealth of Virginia.

The Miller Firm looks forward to working with the Court and defense counsel to see that all parties are adequately represented, that all issues are appropriately litigated, and that the matter is resolved in a way that compliments the legal system.

Respectfully Submitted,  
THE MILLER FIRM, LLC

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### **CERTIFICATE OF SERVICE**

The foregoing Application has been filed electronically and is available for viewing and downloading from the ECF system. A true and correct copy of this Application has been served upon each counsel of record as reflected in the Court's service list as of March 20, 2008 by either electronic service through the ECF system or U.S. Mail, First Class, postage prepaid.

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